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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JEFFERY L. LUQUE, individually and as  
Guardian ad Litem for CHRISTINE  
LUQUE, a minor,

Plaintiffs,

vs.

THE UNITED STATES OF AMERICA,

Defendant.

Civ. No: C 05-2471 JSW

**STIPULATION AND  
~~PROPOSED~~ ORDER  
EXTENDING EXPERT  
DISCLOSURE DATE,  
EXPERT DISCOVERY, LAST  
DAY FOR HEARING  
DISPOSITIVE MOTIONS  
AND FURTHER CASE  
MANAGEMENT  
CONFERENCE DATE**

**STIPULATION**

IT IS HEREBY STIPULATED by and between Plaintiffs Jeffrey Luque, individually and as Guardian Ad Litem for Christine Luque, and Defendant, United States of America, by and through their respective counsel of record, that the Court be respectfully requested to enter an order extending the deadlines for disclosure of expert witness, completion of expert discovery, the last day for hearing dispositive motions and the further case management conference date for a short period of time to allow the parties to attend the upcoming Settlement Conference without first having to incur the significant costs associated with expert discovery.

When the expert discovery deadlines were originally set by the Court, the parties had anticipated being in a position to attend a settlement conference before having to spend substantial resources to complete expert discovery. However, the March 2006 settlement conference date was continued to June 7, 2006, Judge Larson's first available date, upon the request of Plaintiff to conduct further necessary medical examinations and evaluations of Mr. Luque's claimed damages.

The parties, therefore, stipulate and respectfully request that the Court enter an order extending the deadlines for disclosure of expert witnesses (currently June 6, 2006) until June 16, 2006 and for completing expert discovery (currently June 21, 2006) until June 30, 2006 in order to allow the parties an opportunity to resolve this action through settlement at the upcoming Settlement Conference without having to incur additional costs for expert discovery.

Further, the parties respectfully and consequentially request that the related deadlines regarding the last day for hearing dispositive motions and the further case management conference (both currently July 28, 2006 at 9:00 a.m.) be continued for approximately two to three weeks depending on the Court's calendar.

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1 The parties do not expect the trial date or associated pretrial schedule to be  
2 effected by these changes.

3 IT IS SO STIPULATED.

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5 DATED: May 31, 2006

BANNING MICKLOW & BULL, LLP

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7 By: /s/ Jennifer L. Fiore

8 KURT MICKLOW  
JENNIFER L. FIORE

9 Attorneys for Plaintiffs  
10 JEFFREY L. LUQUE, individually and as  
Guardian ad Litem for CHRISTINE  
11 LUQUE, a minor

12 DATED: May 31, 2006

PETER D. KEISLER  
Assistant Attorney General  
13 JOHN K. VINCENT  
United States Attorney  
14

15 /s/ Jeanne M. Franken

16 JEANNE M. FRANKEN  
Trial Attorney  
U.S. Department of Justice  
17

18 Attorneys for Defendant  
UNITED STATES OF AMERICA  
19

20 **CERTIFICATE OF SIGNATURE(S)**

21 I attest that the content of the document is acceptable to all persons above,  
22 who were required to sign the document. /S/ Jennifer L. Fiore

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. Further, the last day for hearing dispositive motions and the case management conference shall be continued to August 11, 2006 at 9:00 a.m..

DATED: June 1, 2006

  
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THE HONORABLE JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE